

REMARKS

Claims 1 has been amended. Applicant hereby elects Group I, claims 1-4 and 12-14, drawn to polypeptide of formula I. Applicant, however, respectfully traverses. According to the Office Action, at page 2, Rubenfield et al US 6,551,795 (hereafter, "the '795 patent") reads on claim 1 and therefore the technical feature recited in claim 1 is not special. Thus, according to the Office Action the invention "groups are not so linked as to form a single general concept under PCT Rule 13.1." Applicant amends the claims herein.

Amended claim 1 now recites:

A substantially purified polypeptide consisting of an amino acid sequence according to formula 1:
B1-[X1-Q-X2-X3-X4-X5-X6-X7-X8-X9-X10-X11]-B2; wherein
X1 is selected from the group consisting of V, E, and A, or is absent;
X2 is selected from the group consisting of A, N, and G;
X3 is any amino acid;
X4 is selected from the group consisting of P and Q;
X5 is selected from the group consisting of S, R, and C;
X6 is selected from the group consisting of N, L, G, and K;
X7 is selected from the group consisting of Q, A, S, and H;
X8 is selected from the group consisting of H, L, and A;
X9 is selected from the group consisting of S and T;
X10 is selected from the group consisting of P and A;
X11 is selected from the group consisting of R, G, and P; and
wherein B1 and B2 are independently 1-5 amino acids, or are absent.

Applicant respectfully points out that that the '795 patent does not disclose a substantially purified polypeptide consisting of an amino acid sequence according to formula 1 as presently claimed. Thus, the technical feature of claim 1 is special and accordingly the polypeptide groups are properly linked as a single general concept under PCT Rule 13.1 and should be examined together. Applicant therefore respectfully requests that the restriction requirement be withdrawn.

Furthermore, Applicant respectfully requests that upon finding the elected claims to be allowable, that any withdrawn method claims also be rejoined.

Applicant expressly reserves the right to file one or more divisional or continuing applications to protect the inventions of the non-elected group and other disclosed, but unclaimed, subject matter prior to the issuance of this application.

If there are any questions, the Examiner is invited to call Applicant's representative, Rodney J. Fuller, at 602-916-5404 to resolve any remaining issues to expedite the prosecution of this application.

Respectfully submitted,

May 3, 2010
Date

/Rodney J. Fuller/
Rodney J. Fuller (Reg. No. 46,714)
FENNEMORE CRAIG
Customer No. 27,887
602-916-5404